

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ADAM PHILLIPS,

Plaintiff,

v.

MICHAEL J. ASTRUE, COMMISSIONER
OF SOCIAL SECURITY,

Defendant.

1:09-CV-230


Civil Action No. 09-0230
CONSENT ORDER TO
REMAND PURSUANT TO
SENTENCE 4 OF
42 U.S.C. § 405(g)

This matter having been opened to the Court by ANDREW T. BAXTER, Acting United States Attorney for the Northern District of New York, and KAREN T. CALLAHAN, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g) so that further administrative action may be taken; and Plaintiff, through the undersigned attorney, having consented to the within order and the requested remand, and the Court having considered the matter,

IT IS on this 2nd day of September 2009;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for further administrative action, and it is further

ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in Melkonyan v. Sullivan, 501 U.S. 89 (1991).




GUSTAVE DiBIANCO, U.S. Magistrate Judge
United States District Court

The undersigned hereby consent to the form and entry of the within order.

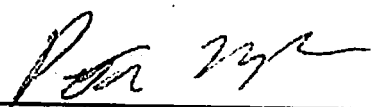
ANDREW T. BAXTER
Acting United States Attorney

By:



KAREN T. CALLAHAN
Special Assistant U.S. Attorney
Bar No.513794

By:



PETER M. MARGOLIUS, ESQ.
Attorney for Plaintiff